

**30021. Adulteration and misbranding of Gold Bond Sterilseptic Toilet Powder. U. S. v. 141 Cans of Gold Bond Sterilseptic Toilet Powder. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40387. Sample No. 54807-C.)**

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its purported antiseptic properties.

On October 20, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 cans of Gold Bond Sterilseptic Toilet Powder at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about September 17, 1937, by the Gold Bond Sterilizing Powder Co. from Fairhaven, Mass.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of talc with small amounts of boric acid, salicylic acid, and aromatics such as thymol and menthol. Bacteriological examination showed that it was not an antiseptic and that it contained viable micro-organisms.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (carton holding 24 cans) "Antiseptic" since it was not antiseptic.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading when applied to an article that contained viable micro-organisms and was neither sterile nor antiseptic: (Shipping carton) "Sterilseptic"; (carton holding 24 cans) "It is recognized by some of the leading physicians and surgeons in this country as one of the 'World's Standard Antiseptic Toilet Powders.' \* \* \* Gold Bond Sterilizing Powder Co."; (can label) "Sterilseptic \* \* \* Gold Bond Sterilizing Powder Co."; (circular) "Sterilseptic." It was alleged to be misbranded further in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Shipping carton) "Healing Toilet Powder"; (carton holding 24 cans) "Healing \* \* \* is used \* \* \* for \* \* \* pimples, \* \* \* bed sores, burns \* \* \* It is highly recommended in the treatment of \* \* \* cuts, scratches, \* \* \* and aids nature in healing. \* \* \* And all Foot Irritations"; (circular) "Healing Toilet Powder is a valuable aid in the treatment of minor skin afflictions, \* \* \* cuts, burns, scalds, \* \* \* etc. \* \* \* for hospital use in treating Bed Sores, Cord Dressings, and as a general surgical powder. It is, therefore, approved and recommended by many of the medical profession for such purposes, \* \* \* all foot irritations. \* \* \* and allays irritation. \* \* \* It is valuable in minor irritations of the mucous membrane of the mouth and throat."; (can label) "Healing Toilet Powder \* \* \* pimples, \* \* \* Bed Sores, cuts, burns, scratches."

On December 2, 1938, the Gold Bond Sterilizing Powder Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30022. Adulteration and misbranding of Earakine. U. S. v. 240 Packages of Earakine. Default decree of condemnation and destruction. (F. & D. No. 43477. Sample No. 20836-D.)**

The labeling of this product bore false and fraudulent curative and therapeutic claims. A quantity of cotton, which was enclosed in the package containing it, was contaminated with viable micro-organisms.

On September 1, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 packages of Earakine at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about March 21 and March 31, 1938, by C. S. Dent & Co. from Detroit, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of the liquid showed that it consisted essentially of glycerin, water, chloral hydrate, phenol, and a small amount of opium.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Each package

contains \* \* \* box sterilized cotton," since the cotton was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement "Each package contains \* \* \* box sterilized cotton" was false and misleading; and in that the statements on the carton, "Earakine for relief of earaches \* \* \* pour two or three drops into ear affected," were statements regarding its curative or therapeutic effects and were false and fraudulent.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30023. Adulteration and misbranding of ampuls of phenobarbital sodium. U. S. v. 15 Packages of Ampuls of Phenobarbital Sodium (and 1 other seizure action against the same product). Default decree of condemnation and destruction.** (F. & D. Nos. 44213, 44346. Sample Nos. 20348-D, 30655-D to 30659-D, inclusive.)

This product was intended for parenteral administration and for such purposes should be sterile. Examination showed, however, that it was contaminated with viable micro-organisms.

On October 19 and November 14, 1938, the United States attorneys for the Western District of Texas and the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 15 packages of ampuls of phenobarbital sodium at El Paso, Tex., and 81 ampuls of the product at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce within the period from on or about November 5, 1937, to on or about September 16, 1938, by the Intra Products Co. from Denver, Colo.; and charging adulteration and misbranding of the former lot and adulteration of the latter in violation of the Food and Drugs Act.

Adulteration of both lots was alleged in that the purity of the article fell below the professed standard of quality under which it was sold, namely, "Phenobarbital Sodium," a sterile preparation since it was phenobarbital sodium contaminated with viable micro-organisms.

Misbranding was alleged with respect to the lot seized at El Paso, Tex., in that the statement "Phenobarbital Sodium," borne on the ampuls, was false and misleading when applied to an article that was contaminated with viable micro-organisms, and in that it was sold under the name of another article, namely, phenobarbital sodium in ampul form.

On December 7 and 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30024. Adulteration and misbranding of Testagar Fortified. U. S. v. Six Boxes of Testagar Fortified. Default decree of condemnation and destruction.** (F. & D. No. 44291. Sample No. 42742-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be infested with insect larvae. It was labeled to convey the impression that it was agar fortified with some other drug; whereas it consisted of material derived from psyllium seed or some closely related seed and a small proportion of embryonic material.

On November 12, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of Testagar Fortified at Buffalo, N. Y.; alleging that the article had been shipped on or about April 28, 1937, and on or about January 20, 1938, by the Testagar Laboratories, Inc., from Detroit, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Testagar Fortified" in that this designation created the impression that it was a preparation of agar fortified with some other drug; whereas it consisted essentially of the mucilaginous material from psyllium seed or some closely related seed and a relatively small proportion of embryonic material such as embryonic radicles of grain, infested with worms (larvae).

Misbranding was alleged in that the statement on the label, "Testagar Fortified," was false and misleading.